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DAVID A. O'CONNOR
202-828-1889

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Internet address:
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VIA HAND DELIVERY

Marlene H. Dortch, Esq., Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554
Attention: Video Division, Media Bureau

Re: Amendment of Section 73.622(b) Table of Allotments,
Digital Television Broadcast Stations (Mobile, Alabama)
Second Amendment to Petition for Rulemaking, MB Docket No. __, RM __

Dear Ms. Dortch:

Transmitted herewith, on behalf of Paxson Communications Corporation, Television Capital Corporation of Mobile, Fant Broadcast Development, L.L.C. and Marri Broadcasting, L.P., are an original and four (4) copies of a Second Amendment to the above-captioned Petition for Rulemaking to amend the DTV Table of Allotments.

An extra copy of the filing is enclosed. Please date-stamp the extra copy and return it to the courier.

Should you have any questions, please contact the undersigned.

Respectfully submitted,

HOLLAND & KNIGHT LLP

D.A.O.

David A. O'Connor

Enclosure
cc: (w/encl.): Nazifa Naim

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Amendment of Section 73.622(b)) MM Docket No. _____
Table of Allotments,) RM- _____
Digital Television Broadcast Stations)
(Mobile, Alabama))

To: Chief, Allocations Branch
Policy and Rules Division
Media Bureau

**SECOND AMENDMENT TO PETITION FOR RULE
MAKING TO AMEND THE DTV TABLE OF ALLOTMENTS**

Paxson Communication Corporation ("Paxson"), the proposed ultimate surviving applicant for a new commercial television station to operate on Channel 61 serving Mobile, Alabama (the "Station"), Television Capital Corporation of Mobile ("TCCM"), the surviving but proposed substituted applicant for the Station, Fant Broadcast Development, L.L.C. ("Fant") and Marri Broadcasting, L.P. ("Marri"), the dismissing applicants for the Station (collectively, Paxson, TCCM, Fant, and Marri are the "Applicants"), by their attorneys and pursuant to Section 1.401 of the Commission's Rules (47 C.F.R. § 1.401), hereby submit their *Second Amendment to Petition for Rule Making to Amend the DTV Table of Allotments* ("Second Amendment") in order to amend their *Petition for Rulemaking to Amend the TV Table of Allotments*, submitted July 14, 2000, and their *Amendment to Petition for Rule Making to Amend the DTV Table of Allotments* requesting, submitted May 15, 2001 (collectively "Petition") requesting that the Commission

institute a rule making to amend Section 73.606(b), the TV Table of Allotments, for Mobile, Alabama.¹ In the Petition, the Applicants first sought to substitute Channel 50 for Channel 61 as the Station's allocation. Subsequently, the Applicants requested that the Commission institute a rulemaking to substitute DTV Channel 18 as the Station's allocation, agreed to amend their pending applications to reflect the conversion to digital and the reallocation as the Commission may instruct, to reflect an amendment to the DTV Table of Allotments, as follows:

	Present	Proposed
Mobile, AL	9, 20, 27, *41, 47	9, 18, 20, 27, *41, 47

By this Second Amendment, the Applicants submit the attached Technical Statement in order to make a modest adjustment to the proposal currently on file with the Commission in this proceeding. As described thoroughly in the Technical Statement, the Applicants propose to modify their proposed directional antenna system, adjusting the effective radiated power toward co-channel station WMAU-DT, Bude, Mississippi. By doing so, and consistent with informal advice from the Commission's staff, the Applicants eliminate the need for a waiver of the Commission's baseline population calculation for WMAU-DT as requested in the May 15, 2001 filing.

The Applicants submit that it would promote the public interest in the efficient transition to a nationwide digital television service to process this Second Amendment and immediately issue the notice of proposed rule making to allot DTV

¹ See File No. BPRM-20000714ABV. The procedural history of this proceeding is recited in the earlier submissions and will not be repeated here.

Channel 18 to Mobile that the Applicants have sought for approximately three years. The Television Branch in its January 9, 2004 letter to the parties stated that it would issue the notice of proposed rule making "in the near future."² Accordingly, now is the time to act on that statement.

Therefore, the Applicants respectfully request that the Commission initiate a rule making proceeding immediately to amend Section 73.622(b) of its rules to allot DTV Channel 18 to Mobile, Alabama.

Respectfully Submitted,

PAXSON COMMUNICATIONS
CORPORATION

By: /s/ Charles R. Naftalin
Charles R. Naftalin
David A. O'Connor

Its Attorneys
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MARRI BROADCASTING, L.P.

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Thomas J. Dougherty, Jr.

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FANT BROADCAST
DEVELOPMENT, L.L.C.

By: /s/ Howard M. Miles
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TELEVISION CAPITAL
CORPORATION OF MOBILE

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Vincent A. Pepper

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Dated: June 1, 2004

² Decision of the Associate Chief, Video Division, Media Bureau dated January 9, 2004 (Reference No. 100E3-JLB), p. 2.

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
AN AMENDMENT TO THE PETITION FOR RULE MAKING
TO MODIFY THE DTV ALLOTMENT TABLE
NEW DTV STATION
MOBILE, ALABAMA

Technical Summary

This technical narrative and associated exhibits have been prepared on behalf of the applicants for a new television station at Mobile, Alabama (Television Capital Corporation of Mobile, First Broadcast Development, LLC and Marri Broadcasting, LP) (the "Applicants") and Paxson Communications Corporation, the proposed surviving applicant, in support of an amendment to the pending Petition for Rule Making (BPRM-20000714ABV) to modify the analog (NTSC) channel 61 TV allotment at Mobile, Alabama from NTSC channel 61 to digital television (DTV) channel 18.

Currently the Applicants have a pending petition for rule making which proposes the substitution of digital channel 18 for the analog channel 61 allotment at Mobile. This amendment proposes to modify the pending facility by changing the directional antenna system. No other changes are proposed. By changing the directional antenna system, the ERP in the direction of station WMAU-DT on channel 18 at Bude, Mississippi will be reduced. This will eliminate the need for a waiver of the FCC's population baseline calculation for the authorized construction permit (BPEDT-20000501AHS) of station WMAU-DT, which was requested in the May 5, 2001 Amendment to the Petition for Rulemaking.

Allocation study results indicate that channel 18 will satisfy all of the Commission's allocation requirements, except to station WDHN(TV) on channel 18 at Dothan, Alabama. However, interference calculations were prepared with respect

to WDHN(TV) based on the procedures outlined in the FCC's OET-69 Bulletin, and the proposal complies with the interference standards when a finer grid resolution (1 kilometer) is employed.

DTV channel 18 can be substituted and allotted to Mobile, Alabama in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates Latitude 30°36'45", Longitude 87°38'43. In addition, operation on DTV channel 18 appears possible with an effective radiated power (ERP) of up to 396 kW utilizing a Dielectric TFU-24GTH-R 6T120 directional antenna and an antenna height above average terrain (HAAT) of 552 meters. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV allotment modifications under Section 73.623(c)(2).

The proposed facilities (ERP 396 kW/HAAT 552 meters) comply with the nominal maximum permitted pursuant to Section 73.622(f)(8)(i).

Thus, it is proposed to modify the Mobile NTSC channel 61 allotment to specify a DTV allotment on channel 18 with the following specifications:

State & City	DTV Channel	DTV ERP (kW)	Antenna HAAT (m)	Antenna RCAMSL (m)
AL, Mobile	18	396 (MAX-DA)	552	615

It is also proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Mobile, Alabama	9,20,27,*41,47	9,18,20,27,*41,47

It is proposed to allot DTV channel 18 at Latitude 30°36'45", Longitude 87°38'43". It is proposed to operate with an antenna radiation center height above mean sea level (RCAMSL) of 615 meters, an antenna radiation center height above average terrain of (HAAT) of 552 meters and a directional antenna maximum ERP of 396 kW. The FCC Tower Registration Number for the existing tower is 1212516.

Figure 1 is a DTV channel 18 separation study toward other NTSC and DTV allotments based on a 50 kilometer "buffer". As shown, the proposed operation satisfies all of the Commission's allocation requirements except to NTSC station WDHN(TV) on channel 18 at Dothan, Alabama. With respect to WDHN(TV), interference calculations were prepared based on the procedures outlined in the FCC's OET-69 Bulletin and a 1 kilometer grid.

Figure 2 shows the horizontal and vertical relative field patterns for the proposed Dielectric TFU-24GTH-R 6T120 directional antenna.

Figure 3 provides a summary of interference and service for the proposed channel 18 allotment. Determination of interference and service was based on the procedures outlined in OET Bulletin No. 69, a 1 kilometer grid, and criteria contained in Sections 73.622 and 73.623 of the FCC's rules.¹ In accordance with FCC procedures, the population is based on 1990 Census. It is believed that the proposed channel 18 operation is in full compliance with the FCC's interference criteria.

¹ The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 1 km was employed. A Sun based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

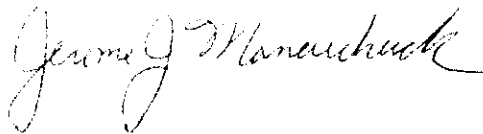
Figure 4 is a map which depicts the 48 dBu and 41 dBu, noise limited contours for the proposed channel 18 DTV operation. As shown, all of Mobile is located within the 48 dBu contour. Therefore, the proposed channel 18 DTV allotment will comply with the city coverage requirements contained in Section 73.625(a).

Studies indicate the proposed DTV channel 18 operation will not adversely impact any co-channel or pertinent adjacent channel Class A LPTV stations.

The proposal is located outside of the border areas of Canada and Mexico. Therefore, coordination with those countries will not be necessary.

Conclusion

UHF DTV channel 18 can be substituted for the current NTSC channel 61 allotment at Mobile, Alabama in compliance with the FCC's rules concerning DTV allotment changes.



Jerome J. Manarchuck

du Treil, Lundin & Rackley, Inc.
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Sarasota, Florida 34237
(941) 329-6000
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May 12, 2004

Figure 1

TECHNICAL EXHIBIT
 PREPARED IN SUPPORT OF
 AN AMENDMENT TO THE PETITION FOR RULE MAKING
 TO MODIFY THE DTV ALLOTMENT TABLE
 NEW DTV STATION
 MOBILE, ALABAMA

CDBS TV/DTV SEPARATION STUDY

Job Title: Proposed DTV, Mobile, AL
 Channel: 18 (DTV) Zone: III

Separation Buffer: 50 km
 Coordinates: 30-36-45 87-38-43

Call Id	City St	Status	File Num.	Chan. Zone	ERP-kW HAAT-m	DA Id	Latitude Longitude	Bearing (deg.)	Dist. (km)	Required km
WPMI 11906	MOBILE AL	LIC C	BLCT 19820308KEIII	15(+) III	5000 521	D 18505	30-37-35 87-38-50	353.1	1.6 22.55	<24.1,>96.6 Clear
WPMI 11906	MOBILE AL	APP C	BPCT 20040106AAIII	15(+) III	5000 521	D 65107	30-37-35 87-38-50	353.1	1.6 22.55	<24.1,>96.6 Clear
WEAR-TV 71363	PENSACOLA FL	CP C	BPCDT 19991028AEIII	17() III	1000 579	N 39646	30-36-45 87-38-43	90.0	0.0 24.00	<24.0,>110.0 Clear
DWEART	PENSACOLA FL	DTV		17() III	1000 372	D	30-37-38 87-37-31	49.5	2.5 21.48	<24.0,>110.0 Clear
NEW 158818	MOBILE AL	APP C	BPRM 20000714AB	18(Z) II	396 552	D 65214	30-36-45 87-38-43	90.0	0.0	
WDHN 43846	DOTHAN AL	LIC C	BLCT 2038	18(Z) III	1070 223	N	31-14-30 85-18-48	71.9	233.5 11.06	244.6 Short ¹
WMAH-TV 43197	BILOXI MS	LIC C	BMLET 20030103AAIII	19(+) III	1593 476.3	D 64495	30-45-18 88-56-44	277.6	125.6 19.59	<12.0,>106.0 Clear
WMPV-TV 60827	MOBILE AL	CP C	BPCT 20010905AAIII	21(+) III	3083 436	D 42006	30-35-18 87-33-16	107.2	9.1 14.99	<24.1,>96.6 Close
WMPV-TV 60827	MOBILE AL	LIC C	BLCT 19860103KFIII	21(+) III	4370 436	D 18235	30-35-18 87-33-16	107.2	9.1 14.99	<24.1,>96.6 Close
WXXV-TV 53517	GULFPORT MS	LIC C	BLCT 19870224KGIII	25(-) III	2240 488	D 19236	30-44-48 89-03-30	276.7	136.2 39.62	<24.1,>96.6 Clear

¹ Protection provided using OET-69 methods, see Figure 3.

Dielectric

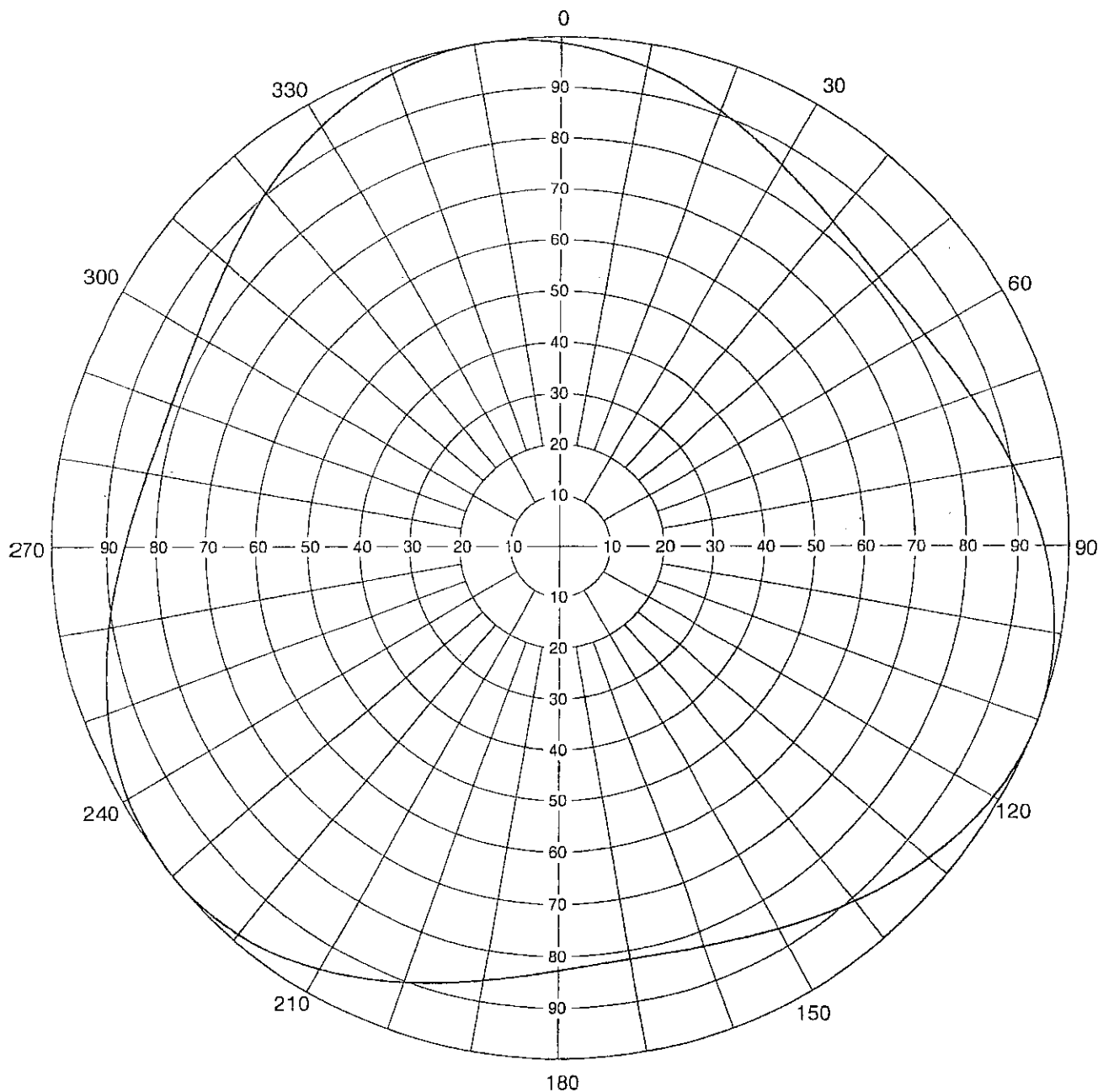
Date 11 May 2004
 Call Letters
 Location
 Customer
 Antenna Type TFU-24GTH-R 6T120
 Channel 18

AZIMUTH PATTERN

RMS Gain at Main Lobe
 Calculated / Measured

1.20 (0.79 dB)
 Calculated

Frequency 497 MHz
 Drawing # TFU-6T120



Remarks:

Dielectric

Date 11 May 2004
 Call Letters Channel 18
 Location
 Customer
 Antenna Type TFU-24GTH-R 6T120

TABULATION OF AZIMUTH PATTERN

Azimuth Pattern Drawing # TFU-6T120

Angle	Field	ERP (kW)	ERP (dBk)
0	0.988	386.6	25.87
10	0.954	360.4	25.57
20	0.908	326.5	25.14
30	0.863	294.9	24.70
40	0.830	272.8	24.36
50	0.817	264.3	24.22
60	0.828	271.5	24.34
70	0.859	292.2	24.66
80	0.903	322.9	25.09
90	0.950	357.4	25.53
100	0.986	385.0	25.85
110	1.000	396.0	25.98
120	0.988	386.6	25.87
130	0.954	360.4	25.57
140	0.908	326.5	25.14
150	0.863	294.9	24.70
160	0.830	272.8	24.36
170	0.817	264.3	24.22
180	0.828	271.5	24.34
190	0.859	292.2	24.66
200	0.903	322.9	25.09
210	0.950	357.4	25.53
220	0.986	385.0	25.85
230	1.000	396.0	25.98
240	0.988	386.6	25.87
250	0.954	360.4	25.57
260	0.908	326.5	25.14
270	0.863	294.9	24.70
280	0.830	272.8	24.36
290	0.817	264.3	24.22
300	0.828	271.5	24.34
310	0.859	292.2	24.66
320	0.903	322.9	25.09
330	0.950	357.4	25.53
340	0.986	385.0	25.85
350	1.000	396.0	25.98

Maxima

Angle	Field	ERP (kW)	ERP (dBk)
111	1.000	396.0	25.98
231	1.000	396.0	25.98
351	1.000	396.0	25.98

Minima

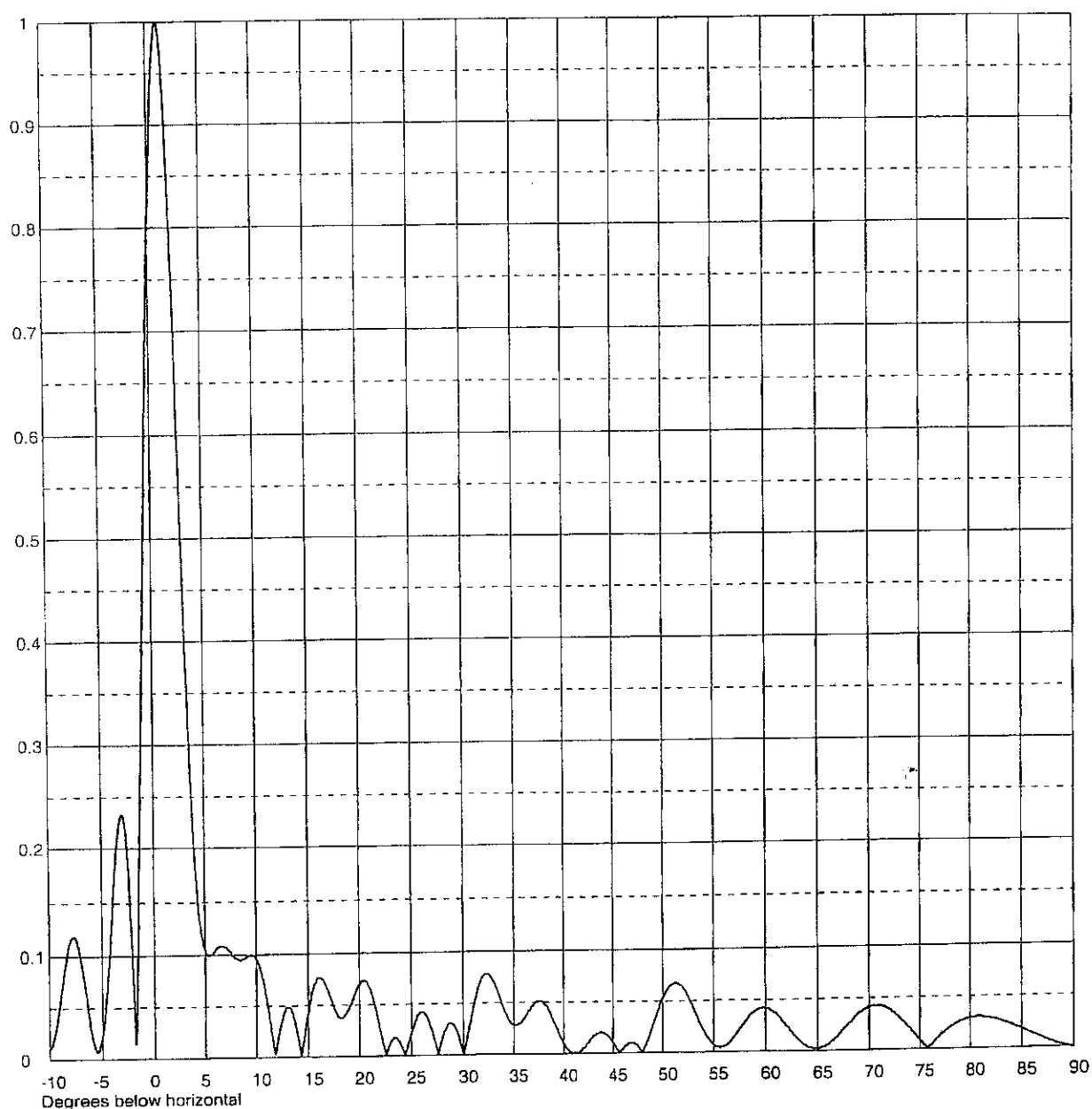
Angle	Field	ERP (kW)	ERP (dBk)
51	0.817	264.3	24.22
171	0.817	264.3	24.22
291	0.817	264.3	24.22

Dielectric

Date **11 May 2004**
 Call Letters
 Location
 Customer
 Antenna Type **TFU-24GTH-R 6T120**
 Channel **18**

ELEVATION PATTERN

RMS Gain at Main Lobe	21.5 (13.32 dB)	Beam Tilt	1.00 Degrees
RMS Gain at Horizontal	14.1 (11.49 dB)	Frequency	497.00 MHz
Calculated / Measured	Calculated	Drawing #	24G215100-90



Dielectric

Date 11 May 2004
 Call Letters Channel 18
 Location
 Customer
 Antenna Type TFU-24GTH-R 6T120

TABULATION OF ELEVATION PATTERN

Elevation Pattern Drawing # 24G215100-90

Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field
-10.0	0.010	2.4	0.690	10.6	0.078	30.5	0.023	51.0	0.067	71.5	0.042
-9.5	0.024	2.6	0.617	10.8	0.069	31.0	0.048	51.5	0.067	72.0	0.039
-9.0	0.054	2.8	0.545	11.0	0.057	31.5	0.067	52.0	0.062	72.5	0.036
-8.5	0.089	3.0	0.474	11.5	0.024	32.0	0.077	52.5	0.054	73.0	0.031
-8.0	0.113	3.2	0.407	12.0	0.011	32.5	0.078	53.0	0.044	73.5	0.026
-7.5	0.117	3.4	0.346	12.5	0.037	33.0	0.070	53.5	0.032	74.0	0.021
-7.0	0.097	3.6	0.291	13.0	0.049	33.5	0.058	54.0	0.022	74.5	0.015
-6.5	0.061	3.8	0.243	13.5	0.042	34.0	0.044	54.5	0.013	75.0	0.009
-6.0	0.025	4.0	0.202	14.0	0.020	34.5	0.034	55.0	0.007	75.5	0.003
-5.5	0.007	4.2	0.170	14.5	0.012	35.0	0.029	55.5	0.005	76.0	0.003
-5.0	0.022	4.4	0.144	15.0	0.043	35.5	0.030	56.0	0.005	76.5	0.008
-4.5	0.070	4.6	0.126	15.5	0.067	36.0	0.035	56.5	0.009	77.0	0.013
-4.0	0.139	4.8	0.113	16.0	0.077	36.5	0.042	57.0	0.015	77.5	0.017
-3.5	0.204	5.0	0.105	16.5	0.074	37.0	0.048	57.5	0.021	78.0	0.021
-3.0	0.233	5.2	0.101	17.0	0.062	37.5	0.051	58.0	0.028	78.5	0.024
-2.8	0.228	5.4	0.100	17.5	0.048	38.0	0.049	58.5	0.035	79.0	0.027
-2.6	0.211	5.6	0.100	18.0	0.039	38.5	0.042	59.0	0.039	79.5	0.028
-2.4	0.181	5.8	0.102	18.5	0.039	39.0	0.032	59.5	0.042	80.0	0.030
-2.2	0.138	6.0	0.105	19.0	0.046	39.5	0.020	60.0	0.042	80.5	0.030
-2.0	0.083	6.2	0.107	19.5	0.059	40.0	0.010	60.5	0.040	81.0	0.031
-1.8	0.015	6.4	0.108	20.0	0.069	40.5	0.003	61.0	0.037	81.5	0.030
-1.6	0.063	6.6	0.108	20.5	0.073	41.0	0.001	61.5	0.031	82.0	0.029
-1.4	0.151	6.8	0.108	21.0	0.066	41.5	0.001	62.0	0.025	82.5	0.028
-1.2	0.246	7.0	0.107	21.5	0.049	42.0	0.005	62.5	0.019	83.0	0.027
-1.0	0.346	7.2	0.105	22.0	0.026	42.5	0.011	63.0	0.013	83.5	0.025
-0.8	0.447	7.4	0.103	22.5	0.004	43.0	0.017	63.5	0.008	84.0	0.023
-0.6	0.547	7.6	0.100	23.0	0.012	43.5	0.020	64.0	0.004	84.5	0.021
-0.4	0.642	7.8	0.098	23.5	0.018	44.0	0.020	64.5	0.002	85.0	0.019
-0.2	0.731	8.0	0.097	24.0	0.011	44.5	0.017	65.0	0.002	85.5	0.016
0.0	0.810	8.2	0.096	24.5	0.004	45.0	0.011	65.5	0.004	86.0	0.014
0.2	0.878	8.4	0.095	25.0	0.022	45.5	0.003	66.0	0.006	86.5	0.012
0.4	0.931	8.6	0.096	25.5	0.036	46.0	0.004	66.5	0.010	87.0	0.009
0.6	0.970	8.8	0.096	26.0	0.043	46.5	0.009	67.0	0.015	87.5	0.007
0.8	0.993	9.0	0.097	26.5	0.038	47.0	0.010	67.5	0.021	88.0	0.005
1.0	1.000	9.2	0.099	27.0	0.024	47.5	0.006	68.0	0.026	88.5	0.003
1.2	0.991	9.4	0.099	27.5	0.004	48.0	0.002	68.5	0.031	89.0	0.002
1.4	0.968	9.6	0.100	28.0	0.015	48.5	0.013	69.0	0.036	89.5	0.001
1.6	0.931	9.8	0.099	28.5	0.028	49.0	0.027	69.5	0.039	90.0	0.000
1.8	0.883	10.0	0.096	29.0	0.031	49.5	0.041	70.0	0.042		
2.0	0.825	10.2	0.092	29.5	0.021	50.0	0.053	70.5	0.043		
2.2	0.760	10.4	0.086	30.0	0.002	50.5	0.062	71.0	0.043		

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
AN AMENDMENT TO THE PENDING
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
MOBILE, ALABAMA

Interference and Service Summary

I. Interference Caused By Proposed Mobile DTV-18

Protected Station	FCC Service Population*	Unique Interference Population*
WPMI(TV), NTSC Ch. 15 Mobile, AL App. Lic.	-- --	0 (0.00%) 0 (0.00%)
WEAR-DT, DTV Ch. 17 Pensacola, FL Alt. CP	1,107,707 --	618 (0.06%) 0 (0.00%)
WDBB-DT, DTV Ch. 18 Bessemer, AL CP Alt.	1,306,329 1,306,329	1,094 (0.08%) 245 (0.02%)
WDHN(TV), NTSC Ch. 18 Dothan, AL Lic.	291,406	3,131 (1.07%)
WBXN-CA, Class A Ch. 18 New Orleans, LA CP	--	0 (0.00%)
WMAU-DT, DTV Ch. 18 Bude, MS CP Alt.	221,224 221,224	3,531 (1.60%) 1 (0.00%)
WIIQ-DT, DTV Ch. 19 Demopolis, AL CPMOD Alt.	120,828 --	0 (0.00%) 0 (0.00%)
WMBB-DT, DTV Ch. 19 Panama City, FL Alt. CP	-- --	0 (0.00%) 0 (0.00%)

Figure 3
Sheet 2 of 2

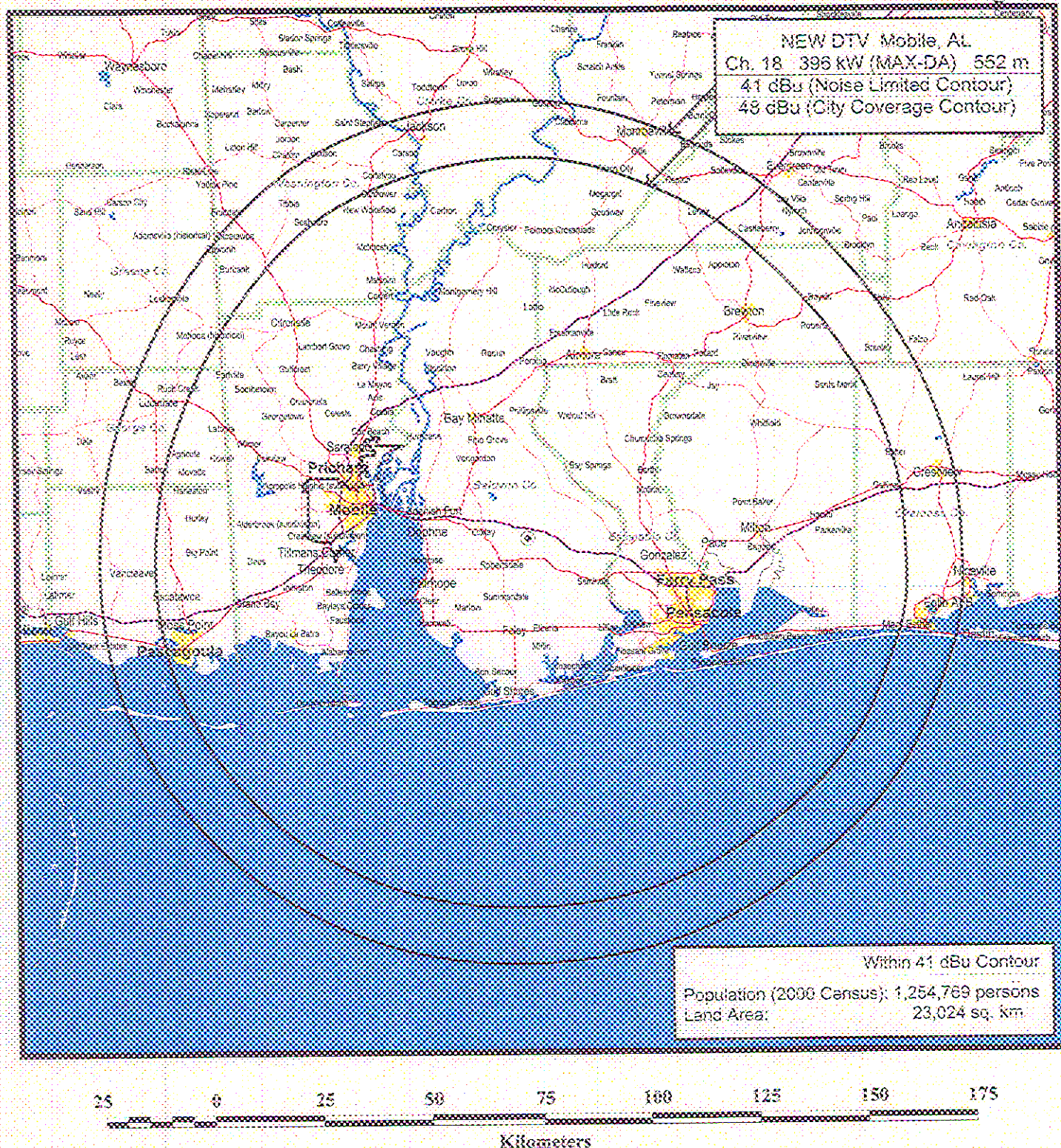
Protected Station	FCC Service Population*	Unique Interference Population*
WMAH-TV, NTSC Ch. 19 Biloxi, MS	593,505	277 (0.05%)
WMPV-TV, NTSC Ch. 21 Mobile, AL		
CP	--	0 (0.00%)
Lic.	--	0 (0.00%)
WXXV-TV, NTSC Ch. 25 Gulfport, MS		
Lic.	--	0 (0.00%)

II. Service (Interference Received by Proposed Mobile DTV-18)

	Population within
Within Noise-Limited Contour	1,125,486
Not Affected by Terrain Losses	1,123,930
Lost to NTSC Interference	1,319
Lost to DTV Interference	6,741
Total Service	1,115,870

* Population based on 1990 Census.

Figure 4



PREDICTED COVERAGE CONTOURS

NEW DTV STATION
 MOBILE, ALABAMA
 CH 18 396 KW (MAX-DA) 552 m

du Treil, Lundin & Rackley, Inc. Sarasota, FL